



U.S. DEPARTMENT of STATE

Niger

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Niger is a republic that returned to democracy in 1999, following coups d'etat in 1996 and 1999, and continued efforts to consolidate a democratic system and a constitutional government. On December 4, Tandja Mamadou was elected to his second 5-year presidential term with 65 percent of the vote in an election that international observers called generally free and fair. Four parties joined the ruling coalition of the National Movement for the Development of Society (MNSD) and the Democratic and Socialist Convention (CDS) to win 88 of the 113 seats in the National Assembly. On December 24, Tandja reappointed MNSD party president Hama Amadou as Prime Minister. The judiciary continued to show signs of independence; however, family and business ties could influence lower court decisions, and there were reports that the executive branch influenced the judicial process. Judicial corruption and inefficiency were problems.

Security forces consist of the armed forces, composed of the Army and Air Force; National Forces for Intervention and Security (FNIS), composed of the Republican Guard and the Saharan Unit for Security; gendarmerie (paramilitary police); and national police. The armed forces, under the Ministry of Defense, were responsible for internal and external security; the gendarmerie, also under the Defense Ministry, had primary responsibility for rural security; the FNIS, under the Interior Ministry, was responsible for domestic security and the protection of high-level officials and federal buildings; and the national police, also under the Interior Ministry, were responsible for urban law enforcement. Civilian authorities generally maintained effective control of the security forces. A few members of the security forces committed human rights abuses.

The economy was market based and depended primarily on subsistence farming, herding, small trading, and informal markets. Approximately 15 percent of the economy was in the formal sector, primarily in light industry and government services. Approximately 61 percent of the population of 11.2 million lived on less than a \$1 a day, and the country's per capita income was less than \$200 a year. The rate of economic growth in 2003 was 3 percent; the Government's projection for the rate of growth by year's end was 4.1 percent. Drought, locust infestation, deforestation, soil degradation, high population growth rates, and exceedingly low literacy were problems.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. During the year, security forces killed and abused persons, although there were fewer such incidents than in previous years. Prison conditions remained poor and sometimes life threatening, and prolonged pretrial detention remained a problem. Police arrested a journalist and an opposition politician during the year. Unlike in the previous year, there were no reports that the Government limited freedom of speech, the press, or academic freedom. Security forces also forcibly dispersed violent student protests and injured numerous demonstrators. The Government continued to ban several Islamist organizations that engaged in or threatened violence. Domestic violence and societal discrimination against women continued to be serious problems. Female genital mutilation (FGM) persisted, despite a government ban on the practice. There was societal discrimination against persons with certain disabilities and ethnic minorities, and reports continued of a form of slavery or servitude. Child labor and forced or compulsory labor, including by children, occurred. There were reports of trafficking, including child prostitution.

During the year, the Government took steps to decentralize and to consolidate democratic institutions by holding generally free and fair presidential, legislative, and municipal elections.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, security forces killed persons during the year.

On January 27, Adam Amenge, the President of the local chapter of the National Movement for the Development of Society (MNSD) Party in Tchirozerine, Agadez region, was killed; Rhissa Ag Boula, the then-Minister of Tourism, was implicated in the case and resigned. On February 19, Ag Boula was charged with complicity to murder and placed under preventative detention in the prison in Say, where he remained at year's end awaiting trial. On June 30, 9 of 12 other persons arrested in connection with the killing were granted provisional release. There were allegations that the killing was politically motivated; however, other observers claimed the motivation was personal.

In March, in Agadez, police shot and killed an alleged murderer as he tried to flee the scene of the crime; one police officer was prosecuted, fined, and sentenced to 3 years in jail.

On August 10, armed men attacked 3 buses along the Agadez Arlit road in the northern region of Agadez; the attacks resulted in 3 deaths, 14 injuries, and the kidnapping of 2 gendarmes, who were among the passengers. The armed men escaped and the whereabouts of the gendarmes remained unknown at year's end.

There were no developments in the 2002 killings of a protester and two soldiers.

Unlike in the previous year, there were no reports that persons died from landmines.

There were no reports of ethnic violence during the year.

b. Disappearance

There were no reports of politically motivated disappearances.

On August 10, armed men kidnapped two gendarmes, who remained unaccounted for at year's end (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were a few reports that security forces beat and abused persons.

In May, security forces in Tera detained without charge a health worker for refusing medical treatment to the child of a Republican Guard; the health worker, who was released after 48 hours, reportedly was beaten and humiliated in detention. The case was under investigation at year's end.

In June, security forces in the area of Tesker reportedly beat and abused persons after civilians in the area had killed a soldier during a fight in March. Local human rights organizations, which provided legal assistance to the claimants, condemned the security forces; the case was under investigation at year's end.

Police used tear gas to disperse student protests (see Section 2.b.).

During the year, the three gendarmes from Torodi convicted in 2003 of using excessive force during a 2002 interrogation appealed the judgment; the case was pending in the Appeals Court at year's end.

During the year, armed persons claiming to reconstitute the Air and Azawak Liberation Front (FLAA), a former Tuareg rebel group, attacked vehicles and passengers in the northern region of Agadez. On June 5, self-proclaimed FLAA members attacked vehicles and stole money and valuables from the passengers; on July 8, another group attacked passenger vehicles and demanded the release of Rhissa Ag Boula, a former leader of the Tuareg rebellion and the former Minister of Tourism (see Section 1.a.).

Conditions in all 35 of the country's prisons were poor and life threatening. Prisons were underfunded, understaffed, and overcrowded. For example, in Niamey's Civil Prison, there were approximately 700 prisoners in a facility built for 350; more than 400 of these were awaiting trial at year's end. In 2003, a new maximum security prison was completed in Koutoukale for dangerous criminals, but it did little to relieve the prison system's severe overcrowding. Family visits were allowed, and prisoners could receive supplemental food, medicine, and other necessities from their families; however, nutrition and health conditions were poor, and deaths occurred from AIDS, tuberculosis, and malaria.

Corruption among prison staff was rampant. Prisoners could bribe officials to leave prison for the day and serve their sentences in the evenings. Some prisoners bribed officials to serve their sentences in the national hospital.

Prisoners were segregated by gender, and minors and adults were incarcerated separately; there was one juvenile detention center. Pretrial detainees were held with convicted prisoners.

Human rights observers, including the International Committee of the Red Cross (ICRC), were granted unrestricted access to

prisons and detention centers and visited them during the year.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours; however, police at times violated these provisions.

The police force, which was under the direction of the Ministry of Interior, was ineffective, primarily because of inadequate resources. Basic supplies, such as vehicle fuel, radios, uniforms, handcuffs, batons, and badges were scarce. Patrols were sporadic, and emergency response time in Niamey could take 45 minutes. Police training was minimal, and only specialized police units had basic weapons handling skills. In December 2003, the National Assembly adopted legislation granting police more decision-making authority and increased compensation; however, corruption remained pervasive.

If police failed to gather sufficient evidence within the detention period, the prosecutor can give the case to another officer, and a new 48 hour detention period begins. Poor communications hindered accurate identification of detainees and could result in prolonging the 48 hour detention period. A defendant has the right to a lawyer immediately upon detention, and bail is available for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevented many of the accused from taking full advantage of these rights.

Security forces detained a journalist and an opposition politician during the year (see Section 2.a.).

Police, acting under authority granted them by the Security Law, occasionally conducted sweeps to detain suspected criminals.

In July, the remaining cases of the persons arrested in January 2003 following the 2002 mutinies were reassigned to the new Military Court and were pending trial at year's end.

There were serious backlogs in the judicial system. Despite legal limits to the pretrial confinement period of indicted persons, detention frequently lasted months or years; some persons have been waiting as long as 6 years to be charged.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the executive branch sometimes interfered with the judicial process. In civilian matters, there were credible reports that family and business ties influenced lower court decisions. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. Nevertheless, there continued to be evidence of increased judicial independence. In May, the Constitutional Court ruled against changes proposed by the Government to the Electoral Code. In 2002, the Constitutional Court noted that the Government did not have the right to remove the Sultan of Zinder from his position; the Sultan still faced fraud charges at year's end.

Unlike in the previous year, there were no court proceedings that occurred in the absence of defendants and their counsel.

Defendants and prosecutors could appeal a verdict, first to the Court of Appeals, then to the Supreme Court. The Court of Appeals reviewed questions of fact and law, while the Supreme Court reviewed only the application of the law and constitutional questions. There also were customary courts.

Defendants have the right to counsel, to be present at trial, to confront witnesses, to examine the evidence against them, and to appeal verdicts. The Constitution affirms the presumption of innocence. The law provides for counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Although lawyers complied with government requests to provide counsel, the Government generally did not remunerate them. Widespread ignorance of the law prevented many accused from taking full advantage of these rights. There was only one defense attorney known to have a private practice outside the capital, although lawyers traveled to various locations of the country to provide legal assistance as requested.

A military court was established in November 2003 and provides the same rights as civilian courts; however, it cannot try civilians.

Traditional chiefs could act as mediators and counselors and had authority in customary law cases as well as status under national law, where they were designated as auxiliaries to local officials. Chiefs collected local taxes and received stipends from the Government, but they had no police or judicial powers and could only mediate, not arbitrate, customary law disputes. Customary courts, located only in large towns and cities, try cases involving divorce or inheritance. They were headed by a legal practitioner with basic legal training who was advised by an assessor knowledgeable in the society's traditions. The judicial actions of chiefs and customary courts were not regulated by law, and defendants could appeal a verdict to the formal court system. Women did not have equal legal status with men in the traditional and customary courts and did not enjoy the same access to legal redress (see Section 5).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law generally requires that police conducting a search have a warrant, normally issued by a judge; however, police reportedly often conducted routine searches without warrants. Under the State Security Law, police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property.

In February, the five officers and one civilian whose homes were searched without warrant in 2002 and then were charged with high treason were granted provisional release; the case was transferred to the new Military Court.

No action was taken against Republican Guards who in 2003 allowed Malian bandits of the same ethnic group to steal food and livestock from citizens living near the border in the Tillaberi region; however, the Government held meetings with affected communities during the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and unlike in the previous year, the Government generally respected these rights in practice and did not restrict academic freedom. Unlike in the previous year, there were no reports that the Government closed down radio stations; however, security forces arrested a journalist and an opposition politician during the year.

The Government published a French language daily newspaper, *Le Sahel*, and its weekend edition. There were approximately 12 private French language weekly or monthly newspapers, some of which were affiliated loosely with political parties. The private press criticized government actions.

Since literacy and personal incomes were both very low, radio was the most important medium of public communication. The government owned radio station *La Voix du Sahel* transmitted 14 hours per day, providing news and other programs in French and several local languages. There were several private radio stations, including *Radio France International*, *Africa Number One*, and *Radio Bonferey*; five were owned locally and featured popular news programs in local languages, including *Djerma* and *Hausa*. These private radio stations generally were less critical of the Government than were the private newspapers. The government operated multilingual national radio service generally provided equitable broadcasting time for all political parties; however, opposition parties complained of inequitable access to media during local and national elections during the year.

Television was a far less important medium than radio. The government owned *Tele Sahel* and *TAL TV* broadcast programming in French and other major national languages. A private television station, *TV Tenere*, also broadcast local and foreign programming. The director of a private radio station operated a wireless cable television service for the capital, offering access to international channels.

The news coverage of the state owned media reflected government priorities. Presidential activities and conferences dealing with development issues always were reported. Analysis or investigative reporting on domestic topics was extremely rare.

Foreign journalists circulated and reported freely. Strict accreditation requirements were imposed on domestic and foreign journalists; however, there were no reports that any journalists had been denied accreditation. During the year, the CSC continued to allow domestic broadcasting services to rebroadcast programs of foreign origin, such as *Voice of America*, *British Broadcasting Corporation*, *Deutsche Welle* programs, and *Radio France International (RFI)*.

Unlike during the previous year, the Government did not use existing law to criminalize slander and libel and to prosecute, convict, and imprison critics.

On August 12, the Government arrested Moussa Kaka, the editor of a private radio station and a correspondent for RFI. Beginning in June, Kaka had broadcast reports on an alleged reactivation of the Tuareg rebellion in the north. On August 11, RFI aired an interview between Mohamed Ag Boula and Kaka, who was subsequently charged with conspiracy and failure to advise authorities of criminal activities. Kaka was released from custody on August 16 and instructed to remain at the disposal of the court for further investigation. Charges against him were pending at year's end.

On December 7, the Government arrested Sanoussi Jackou, president of the Nigerien Party for Self-Reliance and owner of the independent newspaper *La Roue de l'Histoire*, on charges of inciting ethnic hatred; on November 21, Jackou had appeared on a radio talk show and allegedly insulted an ethnic group. On December 16, Jackou was sentenced to 1 month in prison and fined \$100 (50,000 CFA); an appeal had been filed by year's end.

On January 6, Maman Abou, the owner and editor of the weekly *Le Republicain* newspaper, was provisionally released; Abou

had been arrested in November 2003 on defamation and theft charges after he published a July 2003 article that accused the Government of awarding several contracts to its supporters without going through a competitive bidding process. Charges against Abou were still pending at year's end.

During the year, the CSC rescinded its decision to withdraw the temporary broadcasting licenses of 11 stations; in 2003, the Government had withdrawn the licenses, which allegedly had been issued improperly.

The Government did not restrict access to the Internet or censor websites.

b. Freedom of Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right. The Government retained the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) was not provided. Political parties, including a coalition of opposition political parties, legally were permitted to hold demonstrations within a defined area.

Police forcibly dispersed demonstrations during the year. On January 23, police used tear gas to disperse students at Abdou Moumouni University who were demonstrating violently against scholarship arrears, poor housing conditions, the closure of the university food service, and the lack of student transportation; some of the students were injured. Eleven of the students, who barricaded main roads, set tires on fire, and damaged private vehicles, were arrested and charged with disturbing public order and damaging public property; all 11 were released after 10 days. On September 30, security forces again used tear gas to disperse student demonstrators at the University.

No action was taken against police who forcibly dispersed demonstrators in 2003 and 2002.

The Constitution provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region.

The seven militant Islamic organizations banned by the Government in 2002 remained banned (see Section 2.c.). During the year, two representatives from one of the banned organizations were released; the two had been arrested in 2002.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice, as long as persons respected public order, social peace, and national unity.

No religious group was subsidized; however, Islam is the dominant religion and the Islamic Association, which acts as an official advisory committee on religious matters to the Government, had biweekly broadcasts on the government controlled television station. On government controlled media, Christian programs generally broadcast only on special occasions, such as Christmas and Easter; however, the independent media regularly broadcast such programs.

Religious organizations must register with the Interior Ministry. This registration was a formality, and there was no evidence that the Government ever refused to register a religious organization.

During the spring, Muslim preachers urged violent resistance to a U.N.-sponsored polio vaccination, claiming it was a plot by Westerners to sterilize Muslim children. In reaction, the Government temporarily detained the preachers on the grounds of inciting a riot.

In 2002, the Government banned seven militant Islamic organizations on the grounds that these organizations were responsible for "disturbing the peace." No mainstream Islamic organizations or human rights organizations have challenged the legality of the bans, which still were in effect at year's end.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41619.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of movement and restricts neither emigration nor repatriation, and the Government generally respected these rights in practice. Security forces at checkpoints monitored the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demanded payments or bribes; however, there were fewer reports of such actions than in previous years. There were occasional reports of banditry, sometimes violent, during the year (see Section 1.c.).

The Constitution prohibits forced exile, and there were no reports of its use.

The law does not provide for granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, although the country is a signatory to the Convention. The Government has not established a system for providing protection to refugees. In practice, the Government provides protection against refoulement, the return of persons to a country where they feared persecution, but did not routinely grant refugee or asylum status. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR's regional office in Benin was responsible for refugee assistance and protection in the country; the Government's interministerial National Refugee Eligibility Committee performed refugee prescreening duties. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol, and has offered asylum to several thousand persons primarily from Mali and Chad. A few Chadian refugee families remained in the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government, and citizens were able to exercise that right during the municipal, legislative, and presidential elections held during the year. On December 4, Tandja Mamadou was elected to his second 5-year presidential term with 65 percent of the vote in an election that international observers called generally free and fair; however, international observer groups noted some irregularities on election day. A coalition composed of the MNSD, CDS, the Rally for Social Democracy, the Rally for Democracy and Progress, the Nigerien Alliance for Democracy and Progress, and the Social Party for Nigerien Democracy backed Tandja and won 88 of the 113 seats in the National Assembly.

On July 24, local elections were held for approximately 3,700 council members from 265 newly created communes. The ruling coalition won 74 percent of the seats, and the opposition Nigerien Party for Democracy and Socialism won 22 percent of the seats.

The country has a power sharing presidential system with the President as head of state and the Prime Minister as head of government. The President must choose the Prime Minister from a list of three persons presented by the majority party or coalition in the National Assembly. On December 24, Tandja re appointed MNSD party president Hama Amadou as Prime Minister.

The Constitution provides for a representative one chamber National Assembly and an independent judiciary. Citizens 18 years of age and over can vote, and voting is by secret ballot.

Official corruption occurred, and the Government publicly acknowledged that it was a problem; however, no officials were prosecuted for corruption during the year.

There were no laws that provided for public access to government information; however, many documents could be obtained from individual ministries and the National Archives.

Women traditionally have played a subordinate role in politics. The societal practice of husbands' voting their wives' proxy ballots effectively disenfranchised many women in the 1999 elections; however, female voter turnout substantially increased during local, legislative, and presidential elections held during the year. There were 14 women in the 113-seat National Assembly and 6 female ministers in the Cabinet. The law mandates that women receive 25 percent of senior government positions and fill 10 percent of elected seats; women won at least 10 percent of the approximate 3,700 local council positions during the July elections.

All major ethnic groups were represented at all levels of government. There were eight seats in the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations. President Tandja, who reportedly is half Peul and half Kanouri, is the country's first president who is not from either the Hausa or the Djerma ethnic groups, which make up approximately 56 percent and 22 percent, respectively, of the country's population.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several independent human rights groups and associations generally operated without government restriction, investigating and publishing their findings and conclusions that often were highly critical of the Government. Government officials often were unresponsive to their views and denied allegations of human rights abuses. The ICRC was active in the country.

The mandate of the Commission on Human Rights and Fundamental Liberties, which the Government created and funds, includes communication, advocacy, and investigation of human rights abuses. In 2002, the Government recommended adding civil servants from the Ministries of Justice, Interior, Social Development, and Labor to the Commission; however, this restructuring reduced the representation from civil society and limited the Commission's independence.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on sex, social origin, race, ethnicity, or religion; however, in practice, there were

instances of societal discrimination against women, children, ethnic minorities, and persons with disabilities, including limited economic and political opportunities.

Women

Domestic violence against women was widespread, although reliable statistics were not available. Wife beating reportedly was common. Families often intervened to prevent the worst abuses, and women may (and did) divorce because of physical abuse. While women have the right to seek redress for violence in the customary or modern courts, few did so due to ignorance of the legal system, fear of social stigma, or fear of repudiation. Women's rights organizations reported that prostitution often was the only economic alternative for a woman who wanted to leave her husband.

Rape is a crime punishable by 10 to 30 years' imprisonment depending upon the circumstance and age of the victim. Reliable statistics were not available.

FGM was practiced by certain ethnic groups; approximately 20 percent of women in the country had undergone FGM, according to a 1999 World Health Organization global study. Clitoridectomy was the most common form of FGM. FGM is against the law, and under the law, those convicted of practicing FGM and their accomplices face prison sentences from 6 months to 3 years; if the victim of FGM dies, the practitioner can be sentenced from 10 to 20 years' imprisonment. The Government also took an active role in combating FGM and worked closely with local NGOs, community leaders, UNICEF, and other donors to develop and distribute educational materials at government clinics and maternal health centers and participated in information seminars and publicity.

Prostitution, which is illegal, was more prevalent in big cities and near major mining and military sites.

Sexual harassment was criminalized, and violators face prison sentences from 3 to 6 months and fines from \$20 to \$200 (10,000 to 100,000 CFA francs). If the violator is in a position of authority, the prison sentence is from 3 months to 1 year and the fine is increased to from \$40 to \$400 (20,000 to 200,000 CFA francs).

Despite the Constitution's provisions for women's rights, deep seated traditional and religious beliefs resulted in discrimination in education, employment, and property rights. Discrimination was worse in rural areas, where women did much of the subsistence farming as well as childrearing, water and wood gathering, and other work. Despite constituting 47 percent of the work force, women remained underrepresented in civil service and professional employment.

Legal rights as heads of household applied only to men; divorced or widowed women, even with children, were not considered to be heads of households. In the east, there were reports that some women were cloistered and could leave their homes only if escorted by a male and usually only after dark.

National service, which lasted from 18 months to 2 years, was mandatory for all young men and women who completed university studies or professional training. Men were allowed to serve in the military as part of their national service obligation; however, even though women were allowed to serve in the military, they could meet their national service obligation only by serving as teachers, health service workers, or technical specialists.

In December, the Ministry of Social Development's office to promote and protect women's rights became a separate ministry, the Ministry of Women's Promotion and Child Protection. The Government continued to work toward the passage of the Family Law, which addresses many fundamental rights of women.

Children

Although the Constitution provides that the Government should promote children's welfare, financial resources for this purpose were extremely limited. The minimum period of compulsory education was 6 years; however, according to the Ministry of Basic Education, only approximately 50 percent of children of primary school age attended school, and approximately 60 percent of those who finished primary schools were boys. The majority of young girls were kept at home to work and were married at a young age, rarely attending school for more than a few years. This resulted in a female literacy rate of 9 percent compared with 25 percent for males as reported in a 2002 UNESCO report. Literacy rates, particularly for girls, were even lower in rural areas.

Some families entered into marriage agreements under which young girls from rural areas were sent by the age of 10 or 12 and sometimes younger to join their husband's family under the tutelage of their mother in law.

FGM was performed on young girls in many parts of the country by certain ethnic groups (see Section 5, Women).

The trafficking and commercial sexual exploitation of children was a problem (see Section 5, Trafficking).

Child labor was a problem (see Section 6.d.).

Infanticide occurred, and 80 percent of the female prison population were charged with the crime. According to the Ministry of Justice, infanticide resulted from severe economic conditions.

There were many displaced children, mostly boys, begging on the streets of the larger cities. Most of these boys came from rural areas and were indentured to Koranic schools by their parents due to economic hardships (see Section 5, Trafficking).

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to, from, and within the country. Traffickers could be prosecuted under a 2003 revision of the penal code that criminalizes slavery; sentences for conviction ranged from 10 to 30 years' imprisonment.

Unlike in the previous year, there were no prosecutions of traffickers during the year.

The Ministries of Justice, Interior, and Social Development shared responsibility for combating trafficking in persons. The National Commission for the Coordination of the Fight Against Trafficking in Persons continued its work during the year.

There was evidence that the country is a transit point for persons trafficked between Nigeria, Benin, Togo, Ghana, Burkina Faso, and Mali; final destinations also included North African and European countries. The country is a destination for a small number of trafficked persons. Internal trafficking also occurred, and there was anecdotal evidence that clandestine networks victimized young girls who worked as household helpers.

Internal trafficking of young boys for labor and young girls for prostitution from rural to urban areas occurred. There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family. There also were reports that child prostitution was especially prevalent along the main East West highway, particularly between the towns of Birni N'konni and Zinder. Child prostitution is not criminalized specifically, and there was no precise age of consent; however, the law prohibits "indecent" acts toward minors. It was left to a judge to determine what constituted an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" were punishable by 3 to 5 years in prison.

There also were reports of internal trafficking that included the indenturing of boys to Koranic teachers. In response to economic hardship, some rural parents sent their sons to learn the Koran in the cities where, in return for their education, the boys supported their teachers by begging on the streets or doing manual labor.

Trafficking in persons generally was conducted by small time operators who promised well paid employment in the country. Victims, primarily from neighboring countries, were escorted through the formalities of entering the country, where they found that their employment options were restricted to poorly paid domestic work or prostitution. Victims had to use a substantial portion of their income to reimburse the persons who brought them to the country for the cost of the trip. Compliance was enforced by "contracts," which were signed by illiterate victims before they departed their countries of origin; alternatively, the victim's travel document simply was seized. A local nongovernmental organization (NGO) also reported that some rural children were victims of domestic trafficking in which the victim (or his/her family) was promised a relatively decent job only to be placed in a home to work as a servant.

The Government provided no services for trafficking victims; however, it supported the efforts of the ICRC and CARITAS in providing food, temporary shelter, and primary health care.

During the year, the Government sponsored anti trafficking information and education programs, including an International Labor Organization (ILO) outreach campaign to traditional chiefs.

Persons with Disabilities

The Constitution mandates that the State provide for persons with disabilities; however, the Government had not implemented regulations to mandate accessibility to buildings, transportation, and education for those with special needs. Limited government health care benefits were available to persons with disabilities, and NGOs provided many services and programs. Societal discrimination existed against persons with disabilities, particularly mental disabilities and leprosy.

National/Racial/Ethnic Minorities

The Hausa and Djerma ethnic groups made up approximately 56 percent and 22 percent, respectively, of the country's population. These two groups also dominated government and business, and many believed that nepotism existed along ethnic lines. Tandja Mamadou was the country's first president who is neither Hausa nor Djerma. Minority ethnic groups, such as Tuaregs, Arabs, Peuls, Toubous, and Kanouris, were represented through special constituencies in the National Assembly; minority representation at the municipal level increased as a result of the July elections. In the past, many of these ethnic groups asserted that the Hausa and Djerma groups discriminated against them. The Government increased educational opportunities and health care access by constructing schools and health clinics in remote areas, often to the benefit of ethnic minorities. During the annual Cure Salee and other festivals of desert nomads, the Government provided medical, veterinary, and legal

services; however, some nomadic ethnic minorities continued to be dissatisfied with government efforts to meet their unique needs.

During the year, there were reports of continued banditry in the north that may have involved former Tuareg rebels (see Section 1.c.).

Limited security issues existed in the south as a result of continued conflict over land use between farming and herding groups.

On November 20, in the town of Fassi, a longstanding dispute between farmers and herders over grazing land erupted into violence when herders beat the son of a farmer. In retaliation, residents of the farming town burned down the herders' village, which resulted in the deaths of 13 persons and the injuring of 30 others. Authorities arrested several suspects, and an investigation was ongoing at year's end.

During the year, there no developments in the October 2003 retaliatory killings of Tuaregs by a group of Toubou; conflicts between the two groups, who were nomadic herders, resulted from disputes over grazing areas and water points.

Other Societal Abuses and Discrimination

Despite strong government efforts to discourage discrimination against persons with HIV/AIDS, societal discrimination against such persons occurred.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides formal recognition of workers' right to establish and join trade unions, and workers exercised this right in practice; however, more than 95 percent of the work force was employed in the nonunionized subsistence agricultural and small trading sectors.

b. The Right to Organize and Bargain Collectively

In addition to the Constitution and the Labor Code, there is a basic framework agreement between unions, employers, and the Government that defines all classes and categories of work, establishes basic conditions of work, and defines union activities. The Labor Code is based on ILO principles, and it protects the right to organize. In private and state owned enterprises, unions used their right to bargain collectively without government interference for wages above the legal minimum and for more favorable work conditions. Collective bargaining also existed in the public sector. There are no export processing zones.

The Constitution provides for the right to strike, except for security forces and police, and workers exercised this right in practice.

c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor, except for legally convicted prisoners, and slavery is prohibited; however, a traditional form of slavery or servitude still was practiced by the Tuareg, Djerma, and Arab ethnic minorities, particularly in remote northern regions and along the border with Nigeria.

Persons born into a traditionally subordinate caste were often expected to work without pay for those above them in the traditional social structure. According to Timidria, a local human rights NGO that actively worked against the practice, 7 percent of the population worked under such conditions. Individuals could legally change their situations; however, most did not and accepted their circumstances. In 2003, Timidria conducted a survey of 11,000 persons born into servitude; 80 percent reportedly indicated that the persons for whom they worked determined who they married and whether their children attended school.

The 2002 case of a Tuareg man from Tanout who claimed he was threatened with castration for planning a revolt against the person he worked for was pending at year's end.

The Labor Code does not prohibit specifically forced or compulsory labor by children, and there were credible reports of underage girls being drawn into prostitution and of underage boys working as laborers in mines, slaughterhouses, and rice fields (see Sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The law permits child labor in nonindustrialized enterprises under certain conditions; however, law and practice prohibit child labor in industrial work, and child labor was a problem.

Children under the age of 14 must obtain special authorization to work, and those 14 to 18 years of age were limited to a maximum of 4½ hours per day and certain types of employment so schooling may continue. The law requires employers to ensure minimum sanitary working conditions for children. Ministry of Labor inspectors were responsible for enforcing child labor laws; however, resource constraints limited their ability to do so.

Child labor practically was nonexistent in the formal (wage) sector, and there were no known instances of the use of child labor in factories; however, children worked in the unregulated agricultural, commercial, and artisan sectors, and some including foreign youths were hired in homes as general helpers and baby sitters for very low pay.

The majority of rural children regularly worked with their families from a very early age helping in the fields, pounding grain, tending animals, getting firewood and water, and other similar tasks. Some children were kept out of school to guide a blind relative on begging rounds. Others sometimes were employed by Koranic teachers to beg in the streets (see Section 5).

Child labor also occurred in the largely unregulated gold mining sector and in slaughterhouses. Children working in gold mines were particularly vulnerable to poor ventilation, collapse hazards, and insufficient lighting; they also were susceptible to alcohol and substance abuse.

The Ministry of Labor, which was responsible for implementing ILO Convention 182 on the Worst Forms of Child Labor, continued working with UNICEF and the International Program on the Elimination of Child Labor to complete the first phase of a program to determine the extent of the problem. The program addressed four areas: Improving conditions in underground gold mines around Komabongu; increasing awareness about child labor at the national slaughterhouse in Niamey; teaching marketable skills to street children in Birni N'konni; and reducing labor hours and teaching marketable skills to children who worked in agriculture on islands in the Niger River around Tillaberi.

Forced and compulsory labor by children occurred (see Section 5).

e. Acceptable Conditions of Work

The Labor Code establishes a minimum wage for salaried workers of each class and category within the formal sector; however, minimum wages did not provide a decent standard of living for workers and their families. The lowest minimum wage was \$40.00 (20,000 CFA francs) per month. Additional salary was granted at \$2.00 (1,000 CFA francs) per month per child. Government salaries have largely been paid on time. Most households had multiple earners (largely in informal commerce) and relied on the extended family for support.

The legal workweek was 40 hours with a minimum of one 24 hour rest period; however, for certain occupations, the Ministry of Labor authorized longer workweeks of up to 72 hours. There were no reports of violations during the year.

The Labor Code also establishes occupational safety and health standards; however, due to staff shortages, inspectors focused on safety violations only in the most dangerous industries: Mining, building, and manufacturing. The gold mining industry was largely unregulated. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers in many cases were not well informed of the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs; however, in most cases this did not occur in practice.